

DETAILED ACTION

This action is responsive to applicant's amendment of 5/3/2010, which has been entered into the electronic file of record.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Justin Cassell on 7/14/2010.

IN THE CLAIMS:

1. A contactless data carrier with an antenna and a chip, comprising a data carrier on which are disposed data which are transmittable to a reading device via an optical data transmission channel, and on which are disposed data which are transmittable to a reading device via an antenna-based data transmission channel,

wherein the chip has storage areas, including at least one storage area that is freely readable and at least one storage area that is only readable after an authentication of the data carrier and the reading device,

wherein the storage area that is only readable after an authentication of the data carrier, and the reading device has at least one first data record, and the freely readable storage area has at least one second data record, which is clearly allocated to the first data record and is derivable from the first data record.

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Allowable Subject Matter

Claims 1, 4-22 and 24-33 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 16-22 and 24-33 had already been allowed for reasons already stated on the record.

Regarding amended claim 1, which was amended to include the limitations of claim 3, one of the applicant's arguments in particular was persuasive. Specifically, the applicant has argued on page 7 of the recent action that

"The password is in no way based on the data in the respective zone since the password is merely used to verify the user. Once the password entered by the user matches the password stored in the zone access controller and all other conditions are met, access is granted to the respective memory zone. There is no active step of deriving the password from any data in the memory (24). Thus, the password is not derivable from the data in the respective memory zone as required by claim 1."

The examiner agrees that the prior art of record fails to teach or fairly suggest an arrangement *taken in the context of and meeting all of the other present limitations*, wherein the access key for accessing the controlled area is allocated to a particular record of the non-freely readable data and is derivable from that record.

It is noted that the examiner's amendment above is merely to properly incorporate the limitations of claim 3 of the 10/19/2009 claim set into claim 1. That was the stated intent of the 5/3/2010 amendment, but some grammatical errors had been introduced in the 5/3/2010 amendment which would have impacted the meaning of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. HESS whose telephone number is (571)272-2392. The examiner can normally be reached on 9:00 AM - 6:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel A Hess/
Primary Examiner, Art Unit 2876